

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PAUL WEISHAAR, on behalf of himself )  
and all others similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
O'REILLY AUTOMOTIVE STORES, INC,) )  
 )  
Defendant. )

Case No. 4:17-cv-02384-AGF

**NOTICE OF DISMISSAL WITHOUT PREJUDICE**

COMES NOW Plaintiff, by and through counsel, SWMW Law, LLC, and pursuant to the Federal Rules of Civil Procedure, states as follows:

1. Rule 41(a)(1) of the Federal Rules of Civil Procedure states that a plaintiff may dismiss an action without a court order by filing a “notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”
2. Defendant has neither filed an answer nor a motion for summary judgment in this matter.

Consequently, Plaintiffs voluntarily dismiss the instant action immediately, without prejudice pursuant to Rule 41(a)(1).

Respectfully Submitted,

**SWMK Law, LLC**

By: /s/ Ryan Horace

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing was filed electronically with the Clerk of the Court to be served via operation of the Court's electronic filing system on September 18, 2017.

/s/ Ryan Horace